

# SPECIAL EXCEPTION

Application Information for  
Home Child Care Facilities in  
PDH, PDC, PRM or PTC Zoning Districts



ZONING EVALUATION DIVISION  
Fairfax County  
Department of Planning and Zoning  
12055 Government Center Parkway,  
Suite 801  
Fairfax, VA 22035  
703-324-1290  
[www.fairfaxcounty.gov/dpz](http://www.fairfaxcounty.gov/dpz)

July 2013



Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703)324-1334 Or TTY 771 (Virginia Relay Center).

**In Fairfax County, you may care for up to five (5) children (in addition to your own) in your townhome or apartment, or you may care for up to seven (7) children (in addition to your own) in your single family house by right and, in either case, you may have one helper.**

**If you would like to care for more children and have additional helpers and you live in a PDH, PDC, PRM, or PTC Zoning District, you may request approval of a special exception to allow you to care for up to twelve (12) children (in addition to your own) and/or additional helpers. To request approval of a special exception, you must submit an application to the Department of Planning and Zoning and appear before the Planning Commission, as well as the Board of Supervisors.**

**Regardless of how many children you care for in your townhome, apartment or house, there are a few basic rules you must follow in Fairfax County. They are as follows:**

- 1. You must live in the townhome, apartment or dwelling that is used to care for other children.**
- 2. You must be licensed by the Commonwealth of Virginia or have a county Home Child Care Facilities Permit, and follow all state laws and local county laws governing home child care facilities, including Chapter 30 of the Fairfax County Code.**
- 3. There cannot be any exterior appearance or signs, other than play equipment, which show that a home child care facility is being operated within the townhome, apartment or house.**
- 4. One helper is allowed and is limited to the hours of 7:00 am to 6:00 pm daily, unless a special exception is granted to allow additional helpers and/or hours.**

**The following packet explains the information you must submit to request approval of a special exception for a home child care facility.**

**Special exception application packages may be submitted by mail or in person to:**

**Fairfax County Zoning Evaluation Division  
Department of Planning and Zoning  
12055 Government Center Parkway, Suite 801  
Fairfax, Virginia 22035**

**Finally, you are strongly encouraged to discuss your proposed home child care facility with your homeowners association as approval of a special exception does not abrogate or annul any covenants that may apply to your property.**

**If you have any questions, please contact us at (703) 324-1290.**

## **SUBMISSION CHECKLIST FOR A SPECIAL EXCEPTION FOR HOME CHILD CARE FACILITIES**

A special exception application must meet all of the submission requirements as outlined in the Zoning Ordinance in order to be accepted and scheduled for a public hearing before the Planning Commission and Board of Supervisors. The complete submission requirements may be found at <http://www.fairfaxcounty.gov/dpz/zoning/applications/nofind/sesynopsis.pdf>. However, per Sect. 9-011 of the Zoning Ordinance, you may request that the Zoning Administrator grant a modification of submission requirements if it can be shown that the requirement is clearly not necessary for the review of this application. This request must be submitted in writing along with your application package. An example of such a request is provided on page 3 of Attachment 2 of this package.

In reviewing the submission requirements for special exceptions, staff believes that the information listed below may represent the minimum information needed for review of a home child care application. However, if you seek to submit this information, you must submit a waiver request. Depending on the location of the site, the Zoning Administrator may require that additional information be provided on the SE Plat. It should also be noted that during the review of the special exception application, staff may request further information to facilitate adequate evaluation of the case. You must submit a complete application which includes all eight (8) elements listed below, in addition to the waiver request. If the application package is not complete, you (or your agent should you have one) will be notified. Once an application meets all the submission requirements, it will be accepted and scheduled for a public hearing and you (or your agent) will be notified.

To help you in submitting all the information needed for a complete application, please check the boxes provided below for each item included in your application.

REQUIREMENT	SUBMITTED
<p>1. Four (4) copies of the <b>Special Exception Application Form</b> completed and signed by the applicant or authorized agent. The applicant or authorized agent should use the form included as Attachment 1 to this Application Package or on the County web site at <a href="http://www.fairfaxcounty.gov/dpz/zoning/applications">www.fairfaxcounty.gov/dpz/zoning/applications</a>. In order to fill out the application form, the Department of Tax Administration records at <a href="http://icare.fairfaxcounty.gov">icare.fairfaxcounty.gov</a> may be used to search by property address to find the tax map number, subdivision name, Magisterial District and zoning district.</p>	
<p>2. <b><u>Please note that what is listed here requires approval of a modification of submission requirements from the Zoning Administrator. An example of such a request is provided on page 3 of Attachment 2. Without such a request, you must submit a plat as detailed in Par. 2 of Sect. 9-011 of the Zoning Ordinance. Please include this request with your submission package.</u></b></p> <p>Ten (10) copies of a plan drawn to scale, which may be drawn by the applicant. At the very least, the plan must include the following information:</p> <ol style="list-style-type: none"> <li>The dimensions, boundary lines and area of the property.</li> <li>The location, dimensions and height of the dwelling and all other structures on the property, whether existing or proposed.</li> <li>The distance from all property lines to the existing or proposed dwelling, fences, and any of the structures or additions, measured in feet.</li> <li>The dimensions and size of all outdoor recreation space and the location of the space in relation to all lot lines.</li> <li>The plan must be signed and dated by the preparer.</li> </ol> <p><i>(It is preferred that you use a house location plat or similar plan with revisions made by the applicant. Examples of plans are shown on the bottom of the second page of Attachment 3).</i></p>	

REQUIREMENT	SUBMITTED
3. A <b>written statement</b> requesting a modification of the submission requirements for a special exception ( <i>an example is included on page 2 of Attachment 2</i> ).	
4. <b>Photographs</b> of the entire application property showing all existing structures including the house, driveway, sheds, fences, and play equipment, the yard and vegetation as viewed from all lot lines of the application property and interior photos of the home child care facility. In addition, include photos from each lot line of adjacent properties. The photos need to be clearly dated and labeled as to the location and direction from which they were taken. The use of digital photography is preferred in which case a CD containing those digital photos should also be provided.	
5. A <b>written statement</b> describing the proposed use, including the proposed number of children, hours of operation, number of employees, the location of parking, how people access the property from a public street, etc. This statement is known as a “statement of justification” and an outline of the necessary information is provided as Attachment 2. Make sure that this statement describes how you believe the application meets the general and special standards for home child care facilities in the Zoning Ordinance. <i>Copies of these standards are included as Attachment 3.</i>	
6. A notarized <b>affidavit</b> completed and signed by the applicant or the applicant’s authorized agent. If the applicant’s authorized agent completes the application or affidavit on the applicant’s behalf, a certified statement from the applicant must be submitted authorizing the agent to complete the affidavit on the applicant’s behalf. The affidavit must be updated if there are any changes in the information up to the time of the public hearing. All affidavits are reviewed by the Office of the County Attorney for completeness and accuracy. <i>A copy of the affidavit form is included as Attachment 4 and is also available on the Fairfax County website at <a href="http://www.fairfaxcounty.gov/dpz/affidavits">www.fairfaxcounty.gov/dpz/affidavits</a>. For questions regarding the affidavit, please contact the Office of the County Attorney at (703) 324-2421, TTY 711.</i>  <i>Generally pages 1 through 5 of the affidavit are the only pages in the affidavit the owners of home child care facilities need to fill out. During the public hearing on the application, the applicant or authorized agent is required to verify (reaffirm) verbally that the affidavit is still correct. A discussion of the reaffirmation process can be found at <a href="http://www.fairfaxcounty.gov/dpz/affidavits">http://www.fairfaxcounty.gov/dpz/affidavits</a>.</i>	
7. A <b>statement telling who owns</b> the application property and <i>whether the applicant is the owner, renter, or lessee of the property</i> . If the applicant owns the property, this statement may be included within the statement of justification. If the applicant is not the owner of the property, a letter from the owner must be submitted giving permission for the applicant to file the application and use the property as proposed.	
8. A <b>check</b> written to the <b>County of Fairfax</b> in the amount of \$1,100 for the application fee.	

***A more detailed description of the special exception process is included as Attachment 5 to this application package.***



**COUNTY OF FAIRFAX**  
**Department of Planning and Zoning**  
**Zoning Evaluation Division**  
 12055 Government Center Parkway, Suite 801  
 Fairfax, VA 22035 (703) 324-1290, TTY 711  
[www.fairfaxcounty.gov/dpz/zoning/applications](http://www.fairfaxcounty.gov/dpz/zoning/applications)

**APPLICATION No:** \_\_\_\_\_  
 (Staff will assign)

## APPLICATION FOR A SPECIAL EXCEPTION

(PLEASE TYPE or PRINT IN BLACK INK)

<b>APPLICANT</b>	<b>NAME</b>	
	<b>MAILING ADDRESS</b>	
	<b>PHONE HOME (    )</b>	<b>WORK (    )</b>
	<b>PHONE MOBILE (    )</b>	<b>EMAIL</b>
<b>PROPERTY INFORMATION</b>	<b>PROPERTY ADDRESS</b>	
	<b>TAX MAP NO.</b>	<b>SIZE (ACRES/SQ FT)</b>
	<b>ZONING DISTRICT</b>	<b>MAGISTERIAL DISTRICT</b>
<b>SPECIAL EXCEPTION REQUEST INFORMATION</b>	<b>ZONING ORDINANCE SECTION</b>	
	<b>PROPOSED USE</b>	
<b>AGENT/CONTACT INFORMATION</b>	<b>NAME</b>	
	<b>MAILING ADDRESS</b>	
	<b>PHONE HOME (    )</b>	<b>WORK (    )</b>
	<b>PHONE MOBILE (    )</b>	<b>EMAIL</b>
<b>MAILING</b>	Send all correspondence to (check one): <input type="checkbox"/> Applicant –or– <input type="checkbox"/> Agent/Contact	
<p>The name(s) and addresses of owner(s) of record shall be provided on the affidavit form attached and made part of this application. The undersigned has the power to authorize and does hereby authorize Fairfax County staff representatives on official business to enter the subject property as necessary to process the application.</p>		
<b>TYPE/PRINT NAME OF APPLICANT/AGENT</b>		<b>SIGNATURE OF APPLICANT/AGENT</b>

DO NOT WRITE IN THIS SPACE

Date Application accepted: \_\_\_\_\_ Application Fee Paid: \$ \_\_\_\_\_

**SPECIAL EXCEPTION STATEMENT OF JUSTIFICATION  
FOR A HOME CHILD CARE**

In order for the Board of Supervisors to assess the proposed home child care against the Zoning Ordinance's standards for home child care facility standards (which are provided in Attachment 3), you will need to provide a written statement describing the proposed home child care, and other necessary information, including specifically:

- A. Hours of operation (for example – 7AM to 6PM, Monday through Friday).
- B. Estimated number of children and largest number present at any one time, excluding the provider's own children.
- C. Proposed number of employees/attendants/teachers/etc. Indicate whether the employees work part-time or full-time (if part-time, please include their hours).
- D. Estimated drop-off and pick-up schedule and largest number of drop-offs and pick-ups at any one time (for example, three children arrive at 7:15 AM while one child arrives at 8:00 AM).
- E. Describe the vicinity or general area which will be served by your child care.
- F. Describe how parents get to the child care (do they drive, walk or take a bus?) and where they may park (if they drive).
- G. Describe the dwelling and how the use will operate within the dwelling, including square footage dedicated to the home child care facility. Include a floor plan to show what areas of the dwelling will be used for the child care.
- H. Describe the outdoor play areas in order to supplement the information provided on the plat. If outdoor play areas are not located on the property, provide information about where the outdoor play will be provided and how the children will get to those playgrounds.
- I. If your neighborhood has a homeowners' association and you have received approval from them for your use, please include a copy of that approval.

Please be sure to read the General Standards; Sections 9-006 of the Zoning Ordinance (found on page 1 of Attachment 3) and the Special Standards for Home Child Care Facilities; Section 8-305 of the Zoning Ordinance (found on page 2 of Attachment 3). Take special care to ensure you're your statement addresses these standards. *Remember your statement of justification is your first impression to the Board of Supervisors.*

**EXAMPLE OF STATEMENT OF JUSTIFICATION**  
**FOR A HOME CHILD CARE FACILITY**

Janet's Home Child Care  
1925 Water Oak Dr.  
Fairfax, VA 22031

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

To Whom It May Concern:

I own and live in a single-family detached dwelling at 1925 Water Oak Drive in Fairfax, Virginia. The property is zoned PDH-2 and I understand that I need to seek approval of a special exception in order to operate a child care facility within my home. I am currently licensed by the State of Virginia. Below is information about my child care:

Hours. The child care is open from 7:30 AM to 5:30 PM, Monday through Friday.

Number of Children. I care for up to 10 children. This number does not include my two children.

Employees. I have one assistant who works full-time. Another assistant comes on Thursdays between 8 and 11 AM to help clean.

Arrival Schedule. Eight of the children arrive between 7:30 and 8:00 AM. Two other children, who live nearby, do not arrive until 9:00 AM.

Departure Schedule. Five of the children are picked up at 4:30 PM. Three of the children leave at 5:00 PM. The remaining two stay until 5:30 PM.

Area Served. Currently, most of the children live in the general vicinity of my neighborhood. Many of the children live in neighborhoods off of Blake Lane. These parents drive their children to my house. As I noted, two of the children live in the immediate area. Their parents walk them to the day care.

Operations. As I stated, my house is a single-family detached dwelling. It has a walk-out basement, which is where the children spend most of their time. I use the kitchen and dining area of the house (located on the ground floor) for meals and snacks. Attached is a floor plan that indicates the areas where the day care is located.

Outdoor Play. I use my backyard for outdoor play for the children. There is a swing set with a slide and I have indicated its location on the plat.

Parking. I use my garage to park my car. My driveway provides enough parking for two cars. In addition, ample parking is available along the streets in front of my house. I believe that this parking will be adequate for the parents dropping off and picking up their children, as well as for my two helpers.

In conclusion, I am proposing no changes to the appearance of my home. Adequate parking is available for my parents and employees. For these reasons, I believe that my proposed home day care facility will not impact my neighbors in any negative way.

Sincerely,

Janet Lewis  
Owner of Janet's Home Child Care

**EXAMPLE OF REQUEST FOR WAIVER OF SPECIAL EXCEPTION SUBMISSION  
REQUIREMENTS FOR A HOME CHILD CARE FACILITY**

Janet's Home Child Care  
1925 Water Oak Dr.  
Fairfax, VA 22031

Department of Planning and Zoning  
Zoning Evaluation Division  
12055 Government Center Parkway, Suite 801  
Fairfax, VA 22035

To Whom It May Concern:

I am requesting a waiver of the special exception plat requirements in order to use the attached house location plat. This plat, which was certified by Home Surveyors, Inc. on August 18, 2004, is drawn to scale and includes the dimensions, boundary lines and area of my property. This plat is an accurate representation of all current improvements on my property. This house location plat also includes the dimensions and height of my house and shed, as well as the distance between these structures and the property lines. I have also noted on the plat the proposed outdoor play area for the children, as well as the location of my swing set and how far away it is from the property lines. Finally, my backyard is fenced. I have indicated the location of the fence and its height on the plat.

I am not proposing any physical changes to my property to accommodate my home child care facility. Therefore, I believe that the house location plat which I have included with my application package will provide all the necessary information that the County may need to review my request for a home child care facility.

Sincerely,

Janet Lewis  
Owner of Janet's Home Child Care



## **ZONING ORDINANCE GENERAL STANDARDS FOR A SPECIAL EXCEPTION**

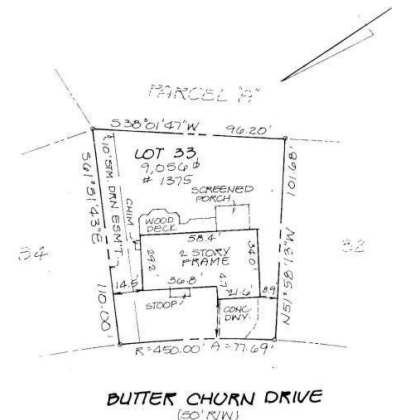
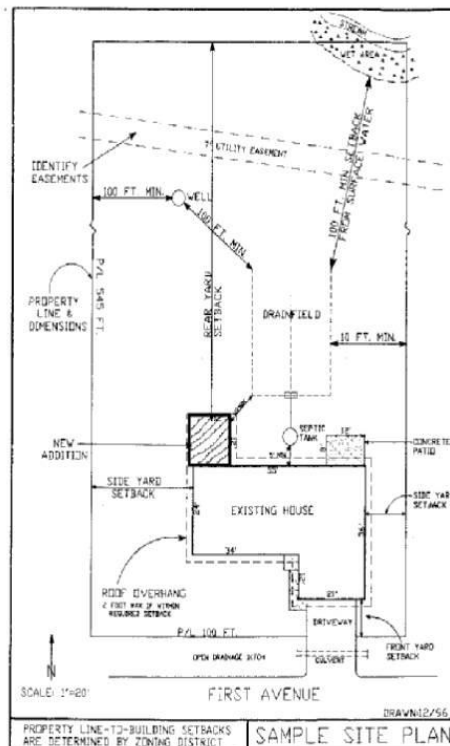
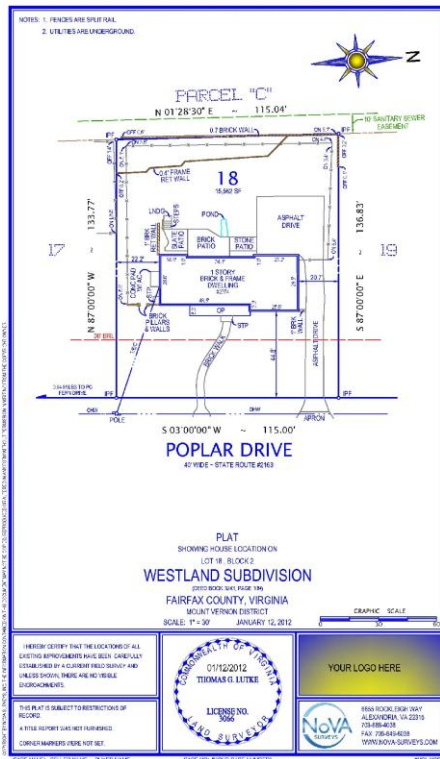
*All special exception uses must satisfy the following general standards outlined in Section 9-006 of the Zoning Ordinance in order for the Board of Supervisors (“the Board”) to approve the application. Your written statement should describe how the particular applicant meets the standards below as well as the Zoning Ordinance Additional Standards for a Home Child Care Facility (also included with this attachment).*

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board shall require landscaping and screening in accordance with the provisions of Article 13 of the Zoning Ordinance.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however, the Board may impose more strict requirements for a given use than those set forth in this Ordinance.

In addition to the general standards outlined above, home child care facilities also have specific standards which must be met. These specific standards can be found on the next page, and in Article 8 of the Zoning Ordinance, which is available on the County’s web site at [www.fairfaxcounty.gov/dpz/zoningordinance](http://www.fairfaxcounty.gov/dpz/zoningordinance). How the particular application meets these standards must also be addressed in written form.

## **ZONING ORDINANCE ADDITIONAL STANDARDS FOR A HOME CHILD CARE FACILITY**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. *(Par. 6A of Sect. 10-103 refers to the maximum number of children permitted without special permit approval, which is five children in a multiple family, mobile home or townhouse dwelling (single family attached), and seven children in a single family detached dwelling.)*
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit. *(Two to three parking spaces are required for the residents of the home, one parking spaces for each helper and one or two parking space for parents picking up and dropping off children)*
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application. *(Article 13 refers to screening, generally in the form of shrubs, trees and/or fences to screen the use from surrounding properties.)*
4. All applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information and must be signed and dated by the applicant:
  - a. The dimensions, boundary lines and area of the lot or parcel.
  - b. The location, dimensions and height of any building, fences, structure or addition, whether existing or proposed.
  - c. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - d. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines. *(Applicants may want to update a house location plat of their property which should have been received at the time of property settlement when the house was purchased.)*



**Examples of a house location survey, site plan and a plat.**

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: \_\_\_\_\_  
 (enter date affidavit is notarized)

I, \_\_\_\_\_, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)            ☐ applicant  
                              ☐ applicant's authorized agent listed in Par. 1(a) below

in Application No.(s): \_\_\_\_\_  
 (enter County-assigned application number(s), e.g. SE 88-V-001)

and that, to the best of my knowledge and belief, the following information is true:

1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(**NOTE:** All relationships to the application listed above in **BOLD** print are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

<b>NAME</b>	<b>ADDRESS</b>	<b>RELATIONSHIP(S)</b>
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in <b>BOLD</b> above)

(check if applicable)            ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Exception Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number(s))

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

**(NOTE:** Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name and number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial and last name)

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Exception Affidavit Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number(s))

=====

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, and number, street, city, state, and zip code)

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Exception Affidavit Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. ***In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.*** Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

## SPECIAL EXCEPTION AFFIDAVIT

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number(s))

=====

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☐ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter “**NONE**” on the line below.)

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a “Special Exception Attachment to Par. 2” form.

**SPECIAL EXCEPTION AFFIDAVIT**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Supervisors, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter “**NONE**” on line below.)

**NOTE:** Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a “Special Exception Attachment to Par. 3” form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

**WITNESS the following signature:**

(check one) ☐ Applicant ☐ Applicant’s Authorized Agent

\_\_\_\_\_  
(type or print first name, middle initial, last name, and & title of signer)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, in the State/Comm. of \_\_\_\_\_, County/City of \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Special Exception Attachment to Par. 1(a)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**(NOTE):** All relationships to the application are to be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel (s) for each owner(s) in the Relationship column.)

<b>NAME</b>	<b>ADDRESS</b>	<b>RELATIONSHIP(S)</b>
(enter first name, middle initial, and last name)	(enter number, street, city, state, and zip code)	(enter applicable relationships listed in <b>BOLD</b> above)

(check if applicable)      ☐      There are more relationships to be listed and Par. 1(a) is continued further on a “Special Exception Attachment to Par. 1(a)” form.



**Special Exception Attachment to Par. 1(b)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

=====

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☐ There are 10 or less shareholders, and all of the shareholders are listed below.
- ☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.
- ☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF THE SHAREHOLDERS:** (enter first name, middle initial, and last name)

=====

(check if applicable)      ☐ There is more corporation information and Par. 1(b) is continued further on a “Special Exception Attachment to Par. 1(b)” form.

**Special Exception Attachment to Par. 1(c)**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

**PARTNERSHIP NAME & ADDRESS:** (enter complete name & number, street, city, state & zip code)

(check if applicable) [ ] The above-listed partnership has no limited partners.

**NAMES AND TITLES OF THE PARTNERS:** (enter first name, middle initial, last name, and title, e.g., **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) [ ] There is more partnership information and Par. 1(c) is continued further on a “Special Exception Attachment to Par. 1(c)” form.

**Special Exception Attachment to Par. 2**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

(check if applicable)      ☐      There are more financial interests in the subject land to be listed and Par. 2 is continued further on a “Special Exception Attachment to Par. 2” form.

**Special Exception Attachment to Par. 3**

DATE: \_\_\_\_\_  
(enter date affidavit is notarized)

for Application No. (s): \_\_\_\_\_  
(enter County-assigned application number (s))

(check if applicable)

☐ There are more disclosures to the listed for Par. 3, and Par. 3 is continued further on a “Special Exception Attachment to Par. 3” **form.**

## **PROCESSING OF A SPECIAL EXCEPTION APPLICATION**

**STEP 1 – SUBMISSION OF THE APPLICATION:** A complete special exception package, containing all of the required items, must be submitted by mail or in person to the Zoning Evaluation Division (ZED) in the Department of Planning and Zoning (DPZ). The office is open Monday through Friday from 8:00 a.m. to 4:30 p.m.

**STEP 2 - APPLICATION ACCEPTANCE:** An application will be reviewed for acceptance only when a complete application package that contains all required submission items is submitted. The Applications Acceptance Section of the Zoning Evaluation Division will review all complete application packages in the order in which they are received. If deficiencies are found, a letter will be sent to the applicant or authorized agent, regarding deficiencies that must be corrected. The special exception application will be accepted when all Zoning Ordinance submission requirements are met, including payment of the applicable fee. Once the special exception application has been accepted, a letter will be sent to the applicant/agent verifying such acceptance. The application is then assigned to a staff coordinator and distributed to various Departments for their review. If you have any questions about your application prior to filing or acceptance, please call (703) 324-1290, TTY 711.

**STEP 3 – REZONING/SPECIAL EXCEPTION BRANCH:** After a special exception application is accepted, it is forwarded to the Rezoning/Special Exception Branch of the Zoning Evaluation Division for processing. At that time, a public hearing before the Planning Commission will be scheduled. The applicant/agent will be contacted by the staff coordinator to confirm this information. The public hearing date is generally 4 to 6 months from the date of acceptance (the date that all non-deficient submission requirements are received), unless a deferral is requested by the applicant. If you have any questions about your application once it has been accepted, please call (703) 324-1290, TTY 711.

**STEP 4 - STAFF REVIEW PROCESS:** Upon acceptance of a special exception application, the application will be reviewed by staff for compliance with the Comprehensive Plan and the Zoning Ordinance and for its impacts on land use, transportation, environmental resources, public facilities and other factors. The review process is managed by a staff coordinator within the Zoning Evaluation Division who will be the primary point of contact for the application. The staff coordinator will transmit requests for additional information needed to review the application, will provide staff comments/issues on the request, facilitate the resolution of any issues which may be identified, and will respond to questions/inquiries about the application. A written staff report will be prepared documenting the analysis of each application and presenting a recommendation to the Planning Commission and the Board of Supervisors. The staff report is generally published 2 weeks prior to the Planning Commission's public hearing, at which time it is made available to the public. The staff report is available on-line 2 weeks prior to the public hearing at <http://ldsnet.fairfaxcounty.gov/ldsnet/>.

**STEP 5 – NOTIFICATION:** Prior to the Planning Commission and Board of Supervisors public hearings, the applicant/agent must send written notice to the property owners in the vicinity as required by the Zoning Ordinance. A package which contains instructions on how to complete the notification process will be sent by the County to the applicant/agent approximately 30 days prior to each public hearing. If you have any questions about notification, please call at (703) 324-1290, TTY 711. It is extremely important that these instructions are followed exactly. A public hearing cannot be conducted

unless the notification process is completed correctly and within the mandated timeframe by the applicant or the applicant's authorized agent. Please see Section 18-110 of the Zoning Ordinance for additional information on required notification.

Between 21 and 14 days prior to the public hearing, County staff will advertise the public hearing in a local newspaper. A minimum of 15 days prior to the public hearing, County staff will also place one or more yellow sign boards on the application property notifying the public of the public hearing. The sign boards must not be removed from the property. After the public hearing, the sign boards will be removed by County staff.

**STEP 6 - PUBLIC HEARINGS:** Public hearings before the Planning Commission and the Board of Supervisors are required for all special exception applications. The Planning Commission public hearing is scheduled once the application is accepted. Applications will be scheduled in the order in which they are accepted. The Planning Commission holds a public hearing on each application and makes a recommendation to the Board of Supervisors. The Board of Supervisors public hearing is scheduled subsequent to the Planning Commission making its recommendation on the application. The Board of Supervisors holds its public hearing and makes the final decision on each application. Both the Planning Commission and the Board of Supervisors meetings are held in the Board Auditorium in the Fairfax County Government Center, 12000 Government Center Parkway, Fairfax, VA. Planning Commission meetings are held on Wednesday and Thursday nights commencing at 8:15 p.m. The Board of Supervisors meetings are held on Mondays commencing at 3:00 p.m. The Planning Commission agenda can be viewed on the County web site at <http://www.fairfaxcounty.gov/planning/meetingcalendar.htm> (703) 324-2865, TTY 711. The Board of Supervisors agenda can be viewed on the County web site at <http://www.fairfaxcounty.gov/government/board/meetings> or by calling (703) 324-1290, TTY 711.

To learn more about the public hearing process, applicants may want to view a meeting prior to their hearing date.

Televised Meetings: Fairfax County Cable Channel 16 broadcasts all Planning Commission and Board of Supervisor's meetings live. For program listings, check the viewing guide at [www.fairfaxcounty.gov/cable](http://www.fairfaxcounty.gov/cable), or call (703) 324-5930, TTY 711.

Telephone Access: To listen by telephone while the public hearings are underway call (703) 324-7700, TTY 711.

Public Access: For special accommodations or alternative information formats, call (703) 324-3151, TTY 711.

Conduct of Public Hearings:

- The Chairman of the Planning Commission or the Board of Supervisors will call an application to be heard.
- The applicant/agent is required to be present at the public hearing and will be asked to come to the podium to state his/her name and address and to reaffirm the affidavit.

- Staff will describe the location of the property and the request, and present other pertinent information.
- The applicant/agent will present the justification for the special exception request, including how the application meets the Zoning Ordinance standards for the Special Exception.
- The public hearing will then be opened for testimony in support of, or in opposition to, the request. Anyone wanting to speak at the public hearing may do so or may submit written testimony to the Clerk to the Planning Commission or the Clerk to the Board of Supervisors, as appropriate.

Although not mandatory, as a courtesy and to ensure the accuracy of the record, those who wish to speak on a particular case are requested to sign up on the speaker's list prior to the day of the meeting by contacting either the Planning Commission at (703) 324-2865, TTY 711 or <http://www.fairfaxcounty.gov/planning/speaker.htm>, or the Clerk to the Board of Supervisors, at (703) 324-2321, TTY 711 or [https://www.fairfaxcounty.gov/bosclerk/speaker\\_bos.htm](https://www.fairfaxcounty.gov/bosclerk/speaker_bos.htm), as appropriate, and identifying the following:

- application number
  - the speaker's name
  - the speaker's address and telephone number
- At any time during the public hearing, a member of the Planning Commission or the Board of Supervisors may ask questions of the applicant/agent, staff or a speaker.
- The Planning Commission makes its recommendation, and the Board of Supervisors makes its determination, based on whether an application meets **all of the Zoning Ordinance Required Standards for a Special Exception** as found on page 3 of this publication, as well as any additional standards and other relevant Zoning Ordinance provisions. The Board of Supervisors will impose conditions on a special exception, as it deems necessary.
- At the close of the Planning Commission public hearing, the Planning Commission will vote to recommend that the Board of Supervisors approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date. At the close of the Board of Supervisors public hearing, the Board will approve or deny the application, continue the hearing to another date if it needs additional information, or defer decision to a later date.

**STEP 7 – LETTER OF DECISION:** The Clerk to the Board of Supervisors will mail a letter to the applicant or the applicant's authorized agent containing the final decision of the Board of Supervisors, which, if the special exception is approved, includes the imposed development conditions. If the Board of Supervisors denies a special exception request, a new special exception application cannot be filed on the same property for one year, unless a waiver of the one-year wait period is granted by the Board.

**STEP 8 -IMPLEMENTATION:** A special exception virtually always has conditions which must be met prior to final establishment of the use, in addition to other plats/plans such as site plans and

occupancy permits which must be submitted and approved. Whenever a special exception is approved by the Board of Supervisors, the activity authorized must be established or any construction authorized must be commenced and diligently prosecuted within such time as the Board may specify in the approval, or, if no such time is specified, then, within thirty (30) months from the approval date of such special exception. If the use has not been established or construction has not commenced within such time, the special exception automatically expires, without notification by the County, pursuant to Paragraph 1 of Section 9-015 of the Zoning Ordinance, unless additional time is approved by the Board of Supervisors. Should additional time be necessary to establish the approved special exception, a letter requesting additional time must be filed with the Zoning Administrator prior to the date of expiration of the special exception. The additional time request must specify the amount of additional time requested, the basis for the amount of time requested, and an explanation as to why additional time is required. The procedure to request additional time is contained in Paragraph 2 of Section 9-015 of the Zoning Ordinance. If you have questions about the implementation of your special exception or about filing a request for additional time, please call (703) 324-1290, TTY 711.

**Note: The approval of a special exception does not interfere with, abrogate or annul any easement covenants, or other agreements between parties, as they may apply to the property subject to this application. Please check with your homeowners' association prior to filing.**